

Policy 7.0 - Conflict of Interest

1. Definitions

1.1 The following terms have these meanings in this Policy:

- a) “*Association*” – Athletics New Brunswick.
- b) “*Interest*” – Something that brings advantages to or affects someone or something.
- c) “*Individuals*” – All categories of membership defined in the *Association’s* bylaws, as well as all individuals engaged in activities with the *Association* including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, employees, administrators, committee members, and directors and officers of the *Association*.
- d) “*Conflict of Interest*” – Any situation in which an *Individual’s* decision-making, which should always be in the best interest of the *Association*, is influenced or could be influenced by competing personal, family, financial, business, or other private *Interests*.
- e) “*In writing*” - A letter, fax or email sent directly to the *Association*.
- f) “*Non-Pecuniary Interest*” - An *Interest* that an *Individual* may have in a matter which may involve family relationships, friendships, volunteer positions or other *Interests* that do not involve the potential for financial gain or loss.
- g) “*Pecuniary Interest*” - An *Interest* that an *Individual* may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that *Individual*, or another person with whom that *Individual* is associated.
- h) “*Perceived Conflict of Interest*” – A perception by an informed person that a *Conflict of Interest* exists or may exist.

2. Background

2.1 *Individuals* who act on behalf of the *Association* have a duty first to the *Association* and second to any personal stake they have in the operations of the *Association*. This policy cannot contemplate all situations in which *Conflicts of Interest* may arise. *Individuals* are to use their best judgment to ensure that they deal with actual and potential *Conflicts of Interest* appropriately. It is equally important to monitor perceptions of *Conflict of Interest* which could damage the *Association’s* reputation

3. Purpose

3.1 The *Association* strives to avoid the occurrence of *Conflicts of Interest* in the *Association’s* decision-making processes by providing clear guidance to its members to recognize what a *Conflict of Interest* is, how to disclose or report, and how to act accordingly. This policy describes appropriate behavior expected of *Individuals* entrusted with decision-making authority within the *Association*, where facts and circumstances may cause a *Conflict of Interest* situation.

3.2 The *Association* recognises that active coach, athlete, and technical official are often named to councils and committees to represent their peer-group as a whole. This has an inherent *Non-Pecuniary Interest* given their position. This does not disqualify them from acting in this capacity as such, as long as their degree of influence is mitigated by the decision-making process. Where the same representatives sit on a committee or council that makes decisions that have the potential to provide the representatives an advantage over their peers (for example, a selection, an appointment or funding), it is recommended that they recuse themselves entirely from that decision-making process.

4. Application of this Policy

4.1 This policy applies to all *Individuals* who, at any given time, are granted the authority to make decisions on behalf of the *Association*.

5. Obligations

5.1 Any real or *Perceived Conflict of Interest*, whether pecuniary or non-pecuniary, between an *Individual's* personal *Interest* and the *Interests* of the *Association*, shall always be resolved in favour of the *Association*.

5.2 *Individuals* shall not:

- a) Engage in any business or transaction, or have a financial or other personal *Interest*, that is incompatible with their official duties with the *Association*, unless such business, transaction, or other *Interest* is properly disclosed to the *Association* and approved by the *Association*;
- b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment from them or the *Association*;
- c) Exploit their positions within the *Association* to derive a personal profit from the activities of the *Association*;
- d) Exploit their positions within the *Association* to lever for themselves a personal profit, advantage, or position of prestige;
- e) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, athletes they work with, or organizations in which their family members, friends, or colleagues have an *Interest*, financial or otherwise;
- f) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the *Association*, if such information is confidential or not generally available to the public;
- g) Engage in any outside work, activity, business, or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the *Association*, or in which they have an advantage or appear to have an advantage on the basis of their involvement with the *Association*;

- h) Without the permission of the *Association*, use the *Association's* property, equipment, supplies, or services for activities not associated with the performance of their official duties with the *Association*;
- i) Place themselves in positions where they could, by virtue of being an *Association Individual*, influence decisions or contracts from which they could derive any direct or indirect benefit; or
- j) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an *Association Individual*.

6. Declaration of *Interests*

- 6.1 To be fully transparent, declaration of *Interest* or affiliations should be brought forward at opportune times. These affiliations include, but are not limited to, any of the following roles in the same sport: athlete, coach, manager, official, employee, volunteer, officer or director. Individuals shall also disclose any and all affiliations with consultants, suppliers, service providers or other third parties that are or may potentially enter into business relationships with the *Association*.
- 6.2 Declarations of *Interests* in the following circumstances shall be made as follows (if applicable):
 - a) Individuals who are nominated for election to a position within the Association shall declare their *Interests* prior to the election.
 - b) Upon taking part for the first time in a meeting of a committee or council of the Association, each member shall make a verbal declaration of their *Interests*, to be recorded in the minutes.
 - c) Immediately upon being appointed to any position within the Association, individuals shall declare their *Interests*.

7. Disclosure of *Conflicts of Interests*

- 7.1 *Individuals* shall, at any given time, disclose real or *Perceived Conflicts of Interest* to the President of the *Association* (according to Policy 14.0) immediately upon becoming aware that a *Conflict of Interest* may exist. Such obligation to disclose is continuing and shall not end if the *Conflict of Interest* is discovered after the tainted decision-making process is completed.
- 7.2 Any person who believes that an *Individual* is entrusted with making a decision or has made a decision that may or was influenced by real or *Perceived Conflict of Interest* shall submit a complaint, in writing, to the President of the *Association* (according to Policy 14.0). The complaint shall be addressed under the *Association's* Policy 14.0. The identity of the person filing the complaint shall be held confidential.

8. Minimizing *Conflict of Interest* in Decision-Making

- 8.1 Decisions or transactions that involve a *Conflict of Interest* that has been proactively disclosed by an *Individual* will be considered and decided by applying the following additional provisions:
 - a) The nature and extent of the *Individual's Interest* has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.

- b) The *Individual* does not participate in discussions on the matter giving rise to the *Conflict of Interest*, unless the body considering the matter votes to allow such participation.
- c) The individual abstains from voting on the decision.
- d) For board-level decisions, the *Individual* does not count towards quorum.
- e) The decision can be proven to be in the best *Interests* of the *Association*.

8.2 The *Association* will not restrict employees from accepting other employment, contracts or volunteer appointments during the term of their employment with the *Association*, provided that the employment, contract or volunteer appointments do not diminish the employee's ability to perform the work contemplated in their employment agreement with the *Association*. Any determination as to whether there is a *Conflict of Interest* will rest solely with the President's Advisory Committee (Policy 14.0), and where a *Conflict of Interest* is deemed to exist, the employee shall be required to resolve the conflict by either ceasing the activity giving rise to the conflict or resigning from employment with the *Association*.

8.3 Examples of *Conflicts of Interest* at the *Association* could include, but are not limited to:

- a) A director, officer or staff member who is also a member of a board of directors of an affiliate or partner of the *Association*;
- b) A director, officer or staff member who also provides coaching or other services to the *Association's* provincial or development teams;
- c) A director, officer or staff member who has a member of their immediate family named to any provincial team;
- d) A director, officer or staff member who is also a benefactor of the *Association*; and
- e) A director, officer or staff member who is also an owner or principal of a member sport school, club or camp.